

APPLICANT(S): Alfred Eisenberg  
SERIAL NO.: 10/007,129  
FILED: 12/03/2001  
Page 11

### REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### Status of Claims

Claims 1-54 are pending in the application. Claims 1-54 have been rejected. Claims 1, 28 and 51 have been amended.

Applicant respectfully asserts that the amendments to the claims add no new matter and are fully supported by the disclosure of the application-as-filed. The amendments were not made in response to any cited prior art, but rather to address the examiner's rejection as to the form of the claims.

### CLAIM REJECTIONS

#### 35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claims 1-54 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses these rejections in view of the remarks that follow.

Applicant asserts that the originally filed specification explicitly teaches, all the claims limitations cited in independent claims 1, and 28 – namely ‘Conference Resource Allocation’. Applicant respectfully points the Examiner's attention to the following portions of the specification:

“[0066] When one IM user invites another IM user into an A/V conference, a private communications channel is opened through the IM Server to the IM Call Router. **The IM Call Router initiates a conference via the conference allocator, with the appropriate attributes determined** by the

APPLICANT(S): Alfred Eisenberg  
SERIAL NO.: 10/007,129  
FILED: 12/03/2001  
Page 12

capabilities of endpoints (determined from Presence info and IM DB Properties). Once the conference information (IP, conference ID, potentially other conference attributes) is determined, the conference dispatcher initiates the location and invitation of the user through IM Call Router. Eventually the IM Call Router will get the conference information to the invitee(s) of which conference to connect to, and the connection will be initiated by the client through the CUseeMe Web SDK. FIGS. 2 and 3 are component and protocol diagrams of this process." (Specification, pg. 11 line 24 to page 12 line 7).

Furthermore, contrary to Examiner's suggestion in the Office Action that the original specification discloses "At best...a resource allocator which is configured to create a video conference", Applicant points the Examiner's attention to a portion of a specification incorporated by reference (U.S. patent application Ser. No. 09/735,828,) which reads:

"[0008] The host preferably includes **a conference service allocator for allocating the conferencing services according to resource demands required for a conference**. The host may further include an instant messenger function for managing instant messenger activity between user interfaces registered for such activity. The host may further include a user directory for cataloging registered user interfaces for instant messenger activity." (David S. Dworkin, US Pub. 2002/0071540, Paragraph 8).

As evident from the above recited portion of the incorporated application, explicitly mentioning and further teaching 'Conference Resource Allocation', the Examiner's assertion that "the feature(s) [resource allocation] was first introduced during applicant's July 22<sup>nd</sup>, 2005 claim amendments" is incorrect. As a further effort on the part of the Applicant to address the Examiner's 112 rejection, Applicant has amended the specification to include the above recited portion which was originally incorporated by reference and amended the claims to remove the offending term.

APPLICANT(S): Alfred Eisenberg  
SERIAL NO.: 10/007,129  
FILED: 12/03/2001  
Page 13

Reading the above recited portions of the specification as filed, in view of Fig. 2, as filed, it would be more than clear for one of even rudimentary skill in the art of IP communication that the video "conference allocator", as recited in claims 1 and 28, initiates a video conference on a video server (i.e. second server) in response to a request the allocator receives through the IM server. As part of initiating a conference, "appropriate [conference] attributes [are] determined by the capabilities". Because, the previous version of the claims used the term "conference resources" (as recited in the incorporated portions) instead of the term conference "attributes", Applicant has: (1) amended the claims to explicitly mirror the language of the specification, and (2) amended the specification to include the language previously incorporated by reference – thereby removing any possibility of vagueness and misunderstanding that appears to have lead the Examiner to issue the his 112 rejection.

Accordingly, Applicant respectfully requests the Examiner to withdraw the above mentioned 112 rejection of all the pending claims.

In the Office Action, the Examiner also rejected claims 1-54 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1 and 28 have been amended to exclude any indefinite or unascertainable language. It is respectfully asserted that the foregoing amendment merely addresses matters of form and does not change the literal scope of the claims in any way or result in any prosecution history estoppel.

Applicant, therefore, respectfully asserts that the above stated remarks, amendments and clarifications render independent claims 1 and 28 proper under 35 U.S.C. § 112 and requests reconsideration and withdrawal of the rejection of claims 1 and 28 and all claims dependent thereon.

### **35 U.S.C. § 101 Rejections**

In the Office Action, the Examiner rejected claims 1-54 under 35 U.S.C. § 101, because the claimed invention is directed to non-statutory subject matter. Applicant has amended independent claims 1 and 28 to address and correct the defects alleged by the

APPLICANT(S): Alfred Eisenberg  
SERIAL NO.: 10/007,129  
FILED: 12/03/2001  
Page 14

Examiner. Applicant respectfully asserts that claim 1 is now unquestionably a system claim and claim 28 is likewise unquestionably a method claim.

Accordingly, Applicant respectfully requests withdrawal of the 101 rejection

### 35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 1-54 under 35 U.S.C. § 103(a), as being unpatentable over Gudjonsson et al. (hereinafter Gudjonsson, US 6,564,261) in view of Bruno et al. (hereinafter Bruno, US 6,020,915). Applicant respectfully traverses this claim rejection over Gudjonsson in view of Bruno, because a prima facie case of obviousness has not been established – neither of the cited references, alone or in combination teaches all the limitations of independent claims 1 and 28.

Contrary to the Examiner's misinterpretation of the cited references, neither reference teaches or suggests a "video conference allocator" as claimed in independent claims 1 and 28. Furthermore, the primary cited reference neither teaches nor suggests having two servers collaboratively providing separate communication channels (i.e. using IM server to initiate video server) between two nodes – but rather teaches the handoff or cascading (serial connection) of a single communication session between servers. Thus, the primary reference is defective as the basis of a 103 rejection of the pending claim on much more fundamental grounds than the mere absence of a "video conference allocator," as the Examiner suggests.

The second reference, upon which the Examiner relies to correct only one of the many defects of the primary reference (namely the absence of a resource allocator), teaches a "video conference allocator" fundamentally different from the one claimed in independent claims 1 and 28. The second reference neither teaches nor suggests a video conference allocator which is **adapted to initiate a video conference in said second server in response to a request for a video conference from said instant messaging server, and said allocator further adapted to communicate to the at least two client nodes, via said instant message server, conference information enabling the at least two client nodes to join the video conference.** Contrary to these claimed limitations, the resource allocator taught in the second reference is **manually engaged by a user** wanting to establish a video

APPLICANT(S): Alfred Eisenberg  
SERIAL NO.: 10/007,129  
FILED: 12/03/2001  
Page 15

conference and participants manually use information provided by the allocator to initiate a conferencing application.

More specifically, the primary and secondary references respectively teach:

The primary reference - "A network provides users with a simple and secure way of establishing communication sessions with other users or services, running either over IP networks or other networks, e.g., PSTN. In a sense, the network can broker communication services between two or more users (e.g., people) and/or services. A plurality of different clusters of servers is provided, and each of the clusters may be linked together. In certain embodiments, each cluster includes multiple servers. Users are registered within some specific cluster and given a unique system/network ID. In certain embodiments, messages are not sent directly between users, but instead through at least one intermediate routing service (RS) provided on a server of one of the users. Thus, in certain embodiments, a user may hide or mask his/her personal information from other users even when communicating with them. In certain embodiments, a user may establish a communication session with another user without knowledge of the client device (e.g., PC, mobile phone, etc.) being used by the other user; as the network arranges for communication (e.g., text chat session, voice chat session (PC to PC, PC to PSTN, or PC to mobile phone), web conference, or pages (PC to PC, PC to SMS)) between the users regardless of the client device being used by the called user. Thus, the network enables any of the above communication services between users, and the initiating user need not know whether the other user is currently online via his/her PC or may instead be reached via pager or mobile phone." (Gudjonsson Abstract)

As evident, the primary reference teaches the handoff or cascading (through an intermediate server) of a single communication session. The communication session may be converted in protocol and/or unanimity may be introduced (also client type may be masked). However, the primary reference makes no suggestion of using a first communication session or server between two nodes to establish a second communication session between the same two nodes through a second server. Thus, Applicant asserts that the primary reference is deficient for purposes of supporting a 103 rejection on more fundamental grounds than the mere absence of a conference allocator. Aside and apart from teaching various communication server topologies, the primary reference simply has no relevance to the claimed invention.

APPLICANT(S): Alfred Eisenberg  
SERIAL NO.: 10/007,129  
FILED: 12/03/2001  
Page 16

The secondary reference teaches - An enduser at a POTS **analog voice-only endpoint** (136) and **endusers at H.320 standard multimedia terminals** (101, 102, 103, 104), which each communicate over separate voice, video and data streams, engage in a videoconference with each other in a **pseudo multimedia manner** through a central platform (135) that provides call conversion capabilities. A document to be shared by a user at the POTS endpoint with users at the multimedia endpoints is transmitted as a data signal from a **facsimile machine (137)** or PC terminal (138) associated with the POTS user to a server (146) in the platform. The received data signal is then inputted to a multimedia bridge (124) and transmitted on the data stream to each multimedia endpoint for display on a window on each multimedia terminal. Similarly, a document to be shared by a multimedia endpoint is transmitted on a data stream to the multimedia bridge, where it is bridged on the data stream transmitted to the other multimedia endpoints and to the server. The document is then transmitted from the server to the facsimile machine or PC terminal associated with the POTS endpoint. In conventional multimedia conferencing arrangements, voice-activated switching is used to determine which user's video image is bridged onto the video stream transmitted to each multimedia terminal. When the audio signal from the POTS user would cause a video signal from that user's terminal to be bridged to all the multimedia endpoints if in fact that user was at a multimedia terminal, a stored image of that user is retrieved from a database (151) and outputted by the bridge on the video stream transmitted to each multimedia terminal to enable the multimedia participants to visually identify the presently talking enduser. (Bruno Abstract)

The secondary reference further teaches - **"When a user at one of these multimedia terminals wants to establish a videoconference among several multimedia end users, the originator calls a Meeting Reservation and Control System (MRCS) 125 associated with MCU 124. MRCS 125 manages meeting reservations, resource allocation.....A conference identifier is then provided which is thereafter used by the user at each....to establish a connection to the MCU."** (Bruno col. 4, line 67 to col. 5, line 9).

Bruno generally teaches a bridging system between conventional POTs analog devices (i.e. phone and fax) and multimedia workstations. The video conference allocator taught in Bruno is manually initiated through a "call" to "a **Meeting Reservation and Control System (MRCS)**", and the MRCS provides a "**conference identifier [that] is ... thereafter used by the user at each....to establish a connection to the MCU**". Although the Bruno generally teaches a conference allocator, it teaches a fundamentally different

APPLICANT(S): Alfred Eisenberg  
SERIAL NO.: 10/007,129  
FILED: 12/03/2001  
Page 17

allocator from that claimed in the present application. Whereas claims 1 and 28 recite a conference allocator communicatively coupled to an IM server, **through which IM server it receives conference requests and provides conference details**, Bruno teaches that a user wishing to initiate a video conference manually/directly requests a connection from a MCRS, which MCRS (as seen in Figs. 1, 2 and 3) has no connection to the messaging server.

Neither cited reference teaches nor suggests a "video conference server resource allocator" nor "a resource allocator communicatively coupled to an instant messaging server" utilizing the collaboration of two or more servers as claimed in independent claims 1 and 28. Instead the references teach the cascading or handing off of a communication session through one or more servers and MCRS which needs to be directly called. Thus, the Examiner appears to have used both improper hindsight and applied erroneous technical judgment in support of his 103 rejection of claims 1 and 28. A simple misreading of the references is also a possibility.

Accordingly, Applicant respectfully asserts that amended independent claims 1 and 28 are allowable. Claims 2-27 and 29-54 depend from, directly or indirectly, claims 1, and 28, and therefore include all the limitations of those claims. Therefore, Applicant respectfully asserts that claims 2-27 and 29-54 are likewise allowable. Accordingly, Applicant respectfully requests that the Examiner withdraw the 103 rejections to amended independent claims 1 and 28 and to claims 2-27 and 29-54.

Applicant notes that none of the amendments to the claims herein are in response to the above discussed prior art rejections.

In view of the foregoing amendments and remarks, all the pending claims are considered to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

APPLICANT(S): Alfred Eisenberg  
SERIAL NO.: 10/007,129  
FILED: 12/03/2001  
Page 18

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Vladimir Sherman', written over a horizontal line.

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